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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,484

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Matthew Thomas Mayer

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EXAMINER

HSIA, SHERRIE Y

ART UNIT

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2622

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,484	Applicant(s) MAYER ET AL.	
	Examiner Sherrie Hsia	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-18 and 21-28 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 19, 20, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

There are no headings.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2622

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 11-18 and 21-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishida (US 2002/0036709).

As to claim 1, Nishida discloses the claimed subject matter, the claimed tuning is met by the tuner 110 (Fig. 1), the claimed determining is met by the step S400 (Fig. 3, page 5 paragraph 0069) and the claimed enabling is met by the step S600 (Fig. 3, page 5 paragraph 0071) (see Figs. 1, 3, page 1 paragraph 0014, 0015, page 5 paragraphs 0069-0074).

As to claim 2, the claimed limitation is disclosed by Nishida (page 5 paragraph 0074).

As to claims 3 and 4, the claimed limitations are disclosed by Nishida (Fig. 3, paragraph 0014, 0015, and 0028).

As to claims 5 and 6, the claimed limitations are disclosed by Nishida (Fig. 3, paragraph 0014, 0015, and 0074).

As to claims 7 and 8, the claimed limitations are disclosed by Nishida (Figs. 3, 1).

As to claim 11, Nishida discloses the claimed subject matter, the claimed tuning means is met by the tuner 110 (Fig. 1), the claimed processing means is met by the microcomputer 170 (Figs. 1, 3, paragraphs 0014, 0015, 0062-0078).

As to claim 12, the claimed limitation is disclosed by Nishida (page 5 paragraph 0074).

As to claims 13 and 14, the claimed limitations are disclosed by Nishida (Fig. 3, paragraph 0014, 0015, and 0028).

As to claims 15 and 16, the claimed limitations are disclosed by Nishida (Fig. 3, paragraph 0014, 0015, and 0074).

As to claims 17 and 18, the claimed limitations are disclosed by Nishida (Figs. 3, 1).

As to claim 21, Nishida discloses the claimed subject matter, the claimed tuner is met by the tuner 110 (Fig. 1), the claimed processor is met by the microcomputer 170 (Figs. 1, 3, paragraphs 0014, 0015, 0062-0078) and the claimed first demodulator is inherently disclosed by Nishida (Fig. 1, 120-130 or 160, paragraph 0014, 0015, 0062-0078).

As to claim 22, the claimed limitation is inherently disclosed by Nishida (Fig. 1, 120-130 or 160, paragraph 0014, 0015, 0062-0078).

As to claims 23 and 24, the claimed limitations are disclosed by Nishida (Fig. 3, paragraph 0014, 0015, and 0028).

As to claims 25 and 26, the claimed limitations are disclosed by Nishida (Fig. 3, paragraph 0014, 0015, and 0074).

As to claims 27 and 28, the claimed limitations are disclosed by Nishida (Figs. 3, 1).

3. Claims 1-3, 8, 11-13, 18, 21-23 and 28 are rejected under 35 U.S.C. 102(a) as being anticipated by EP 1162836.

As to claim 1, EP 1162836 discloses the claimed subject matter, the claimed tuning is met by the tuning-frequency control circuit 14 (Fig. 1), the claimed determining is met by the system controller 21 and the receiving signal analyzing 20 and signal level measuring 19 (Fig. 1)

and the claimed enabling is met by the digital demodulating section 13b, 15b and 23 (Fig. 1, column 3 line 47-column 4 line 5, column 4 line 9-column 6 line 40).

As to claim 2, the claimed limitation is disclosed by EP 1162836 (13a, 15a, 16, and 18 of Fig. 1).

As to claim 3, the claimed limitation is disclosed by EP 1162836 (Fig. 1).

As to claim 8, the claimed limitation is disclosed by EP 1162836 (Fig. 1, column 4 line 9-column 6 line 40).

As to claim 11, EP 1162836 discloses the claimed subject matter, the claimed tuning means is met by the tuning-frequency control circuit 14 (Fig. 1), the claimed processing means is met by the system controller 21 (Fig. 1, column 3 line 47-column 4 line 5, column 4 line 9-column 6 line 40).

As to claim 12, the claimed limitation is disclosed by EP 1162836 (13a, 15a, 16, and 18 of Fig. 1).

As to claim 13, the claimed limitation is disclosed by EP 1162836 (Fig. 1).

As to claim 18, the claimed limitation is disclosed by EP 1162836 (Fig. 1, column 4 line 9-column 6 line 40).

As to claim 21, EP 1162836 discloses the claimed subject matter, the claimed tuner is met by the tuning-frequency control circuit 14 (Fig. 1), the claimed processor is met by the system controller 21 (Fig. 1, column 3 line 47-column 4 line 5, column 4 line 9-column 6 line 40) and the claimed first demodulator is met by the digital demodulating section 13b, 15b and 23 (Fig. 1, column 3 line 47-column 4 line 5, column 4 line 9-column 6 line 40).

As to claim 22, the claimed limitation is disclosed by EP 1162836 (13a, 15a, 16, and 18 of Fig. 1).

As to claim 23, the claimed limitation is disclosed by EP 1162836 (Fig. 1).

As to claim 28, the claimed limitation is disclosed by EP 1162836 (Fig. 1, column 4 line 9-column 6 line 40).

Allowable Subject Matter

4. Claims 9, 10, 19, 20, 29 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Applicant is informed that claims 1, 2, 5, 11, 12, 15, 21, 22, 25 are also anticipated by Ninomiya (2001/0033625). The examiner did not apply any additional rejection to so as not to be exhaustive and repetitive.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chappell (6961370) discloses a sweep method using digital signals.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrie Hsia whose telephone number is (571) 272-7347.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (571) 272-1000.

/Sherrie Hsia/
Primary Examiner
Art Unit 2622

SH
July 21, 2008